UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

---x

THEODORE COLE,

Plaintiff,

-against-

CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT, POLICE OFFICER JAMES BERK and JOHN DOES #1-9 (the names of John Doe being fictitious as the true names are presently unknown),

Defendants.

---x

STIPULATION OF VOLUNTARY DISMISSAL WITH PREJUDICE AS AGAINST NEW YORK CITY POLICE DEPARTMENT

16-CV-3363-FB-VMS

WHEREAS, plaintiff commenced this action by filing a complaint on or about June 21, 2016, alleging that the defendant New York City Police Department violated plaintiff's federal rights; and

WHEREAS, plaintiff now seeks to voluntarily dismiss the instant action with prejudice as against the New York City Police Department; and

WHEREAS, plaintiff has authorized his counsel to agree to the terms set forth below;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed with prejudice as to the New York City Police Department;

2. Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, any and all of the claims that were asserted or could have been asserted by or on behalf of plaintiff Theodore against defendant New York City Police Department, including his successors

and assigns, from any and all liability, claims, or rights of action alleging a violation of plaintiff's civil rights and any and all related state law claims, that were or could have been alleged by plaintiff arising out of the facts and circumstances that are the subject of this action are hereby dismissed and discontinued, with prejudice as against the New York City Police Department;

3. This Stipulation contains all the terms and conditions agreed upon by counsel for defendants and counsel for plaintiff hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein; and

4. This Stipulation shall be binding upon the parties immediately upon signature and shall be submitted to the Court for entry as an Order.

5. This Stipulation shall, upon submission to the Court, constitute a joint request that the Caption be amended to exclude the New York City Police Department as it is no longer a party herein.

Dated: New York, New York
______________, 2017

LESLIE JONES THOMAS
Counsel for Plaintiff
305 Broadway, Suite 1001
New York, New York 10001

By: ____________________
Leslie Jones Thomas

ZACHARY W. CARTER
Corporation Counsel of the
City of New York
Attorney for Defendants
100 Church Street, 3rd Floor
New York, New York 10007

By: ____________________
Joseph Zangrilli
Assistant Corporation Counsel

SO ORDERED:

____
HON. VERA M. SCANLON
UNITED STATES MAGISTRATE JUDGE

Dated: ________________________, 2017